

MAR 18 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF NCIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
NORTH CAROLINA

MISC. NO. 5:11mc2

IN RE: ALLOCATION OF STATESVILLE
DIVISION CASES
ORDER

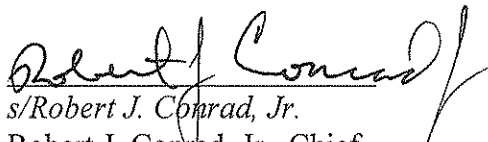
The following case assignment allocations will be applied in the Statesville Division and supersede all other prior orders as they may relate to the Statesville Division. Unless specifically stated otherwise, these case assignment allocations are effective upon the entry of this Order.


- 1.) All Statesville Division criminal cases will be assigned to Judge Voorhees.
- 2.) Any criminal case filed in the Statesville Division in which Judge Voorhees must recuse himself due to a conflict shall first be assigned to **Judge Cogburn**, Judge Whitney, Judge Reidinger and then to Chief Judge Conrad.
- 3.) Judge Voorhees shall be assigned all civil cases, including actions brought under 42 U.S.C. § 1983 in which the plaintiff has counsel, and non-prisoner *pro se* Section 1983 actions. Death penalty cases are subject of a separate allocation order and, therefore, are not automatically assigned to Judge Voorhees when filed in the Statesville Division..
- 4.) Judge Voorhees shall continue to be assigned all 28 U.S.C. § 2255 actions in which he was the presiding judge in the underlying criminal case.
- 5.) Any civil cases in which Judge Voorhees has a conflict shall be reassigned in the following order taking into consideration potential conflicts: Senior Judge Mullen, then to **Judge Cogburn**, then to Judge Whitney, then to Judge Reidinger and then Chief Judge Conrad.
- 6.) Chief Judge Conrad shall be assigned all prisoner, pro-se cases, filed pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2254 (non-death penalty cases.)
- 7.) Non-consent civil cases are referred equally to the Charlotte Division magistrate judges for all pretrial proceedings consistent with Judge Voorhees' Standing Order of Reference. Pretrial matters in criminal cases are likewise referred equally to the Charlotte Division magistrate judges in accordance with the Order of Reference. Consent cases will be handled by the Charlotte Division magistrate judges for all purposes and in all respects.

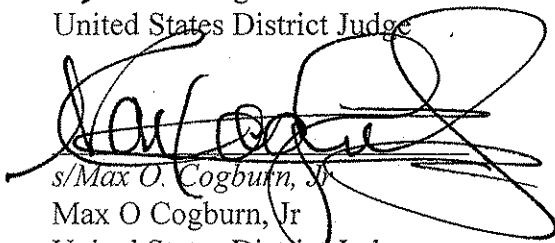
- 8.) The rules allocating criminal cases where a previous assignment has occurred are stated in Miscellaneous Order Number 3: 07-MC-61.

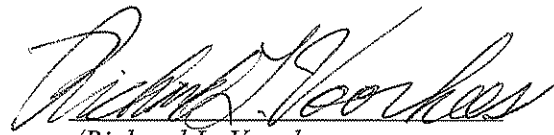
The Clerk is directed to serve copies of this Order to all district court judges, all magistrate judges, the United States Attorney, the Chief United States Probation Officer, the United States Marshal, all deputy clerks and all court reporters.


IT IS SO ORDERED, this 14th day of March, 2011.

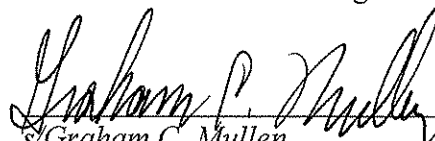

s/Robert J. Conrad, Jr.
Robert J. Conrad, Jr., Chief
United States District Court Judge


s/Martin Reidinger
Martin Reidinger
United States District Judge


s/Max O. Cogburn, Jr.
Max O Cogburn, Jr
United States District Judge


s/Richard L. Voorhees
Richard L. Voorhees
United States District Judge


s/Frank D. Whitney
Frank D. Whitney
United States District Judge


s/Graham C. Mullen
Graham C. Mullen, Senior
United States District Judge